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VIA ECF AND FEDEX

Honorable Charles P. Sifton
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Weiss, et al. v. National Westminster Bank, PLC, 05-CV-4622 (CPS) (KAM)
Strauss, et al. v. Crédit Lyonnais, S.A., 06-CV-702 (CPS) (KAM)**

Dear Judge Sifton:

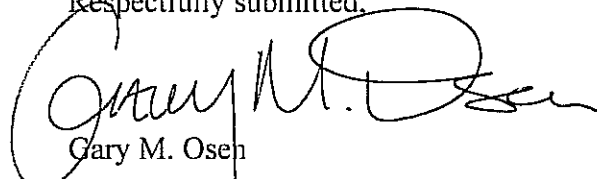
We write on behalf of plaintiffs in the above-captioned cases. Although reluctant to burden Your Honor with yet another letter regarding Judge Glasser's decision in *Stutts v. The DeDietrich Group*, 2006 WL 1867060 (E.D.N.Y. 2006), attached are pages 35-36 of the transcript of yesterday's oral argument before Judge Gershon in *Almog v. Arab Bank Plc.* During the course of that argument, Arab Bank's motion for leave to seek an interlocutory appeal in the *Linde* case¹ was raised and, in particular, its submission of the *Stutts* decision in support of its motion. Contrary to defendants' claims that Judge Gershon's order was submitted by plaintiffs to Your Honor under a "false pretext," Judge Gershon confirmed our prior representation that she had considered the *Stutts* opinion in rejecting Arab Bank's motion:

MR. LEWIS: Your Honor, we have submitted a number of supplemental materials, Judge Glasser's decision in *Stutts* as well as the Supreme Court's —

THE COURT: I read those in denying your motion to take an immediate appeal. I don't find that they say anything that would cause me to change my mind.

For the reasons set forth in our prior pleadings and correspondence, we respectfully request that defendants' motion to dismiss the above-captioned cases be denied in full.

Respectfully submitted,



Gary M. Osen

cc: All counsel

¹ 384 F. Supp. 2d 571 (E.D.N.Y. 2005)

Exhibit A

1 subject of dispute and discord from Tel-Oren to Yousef to Doe
2 to this very morning. There continue to be -- continues to be
3 unfortunate death and charges and counter charges on all
4 sides.

5 The international community has not reached a
6 consensus. This has been acknowledged time and time again.

7 Rhetoric about genocide crimes against humanity
8 don't further that. They don't establish universality, and
9 with respect to aiding and abetting, there is no such
10 principle as the US clearly and convincingly argues.

11 The ATS analysis is fundamentally different and
12 distinct from the ATA analysis. The ATA requires you to
13 discern the intent of Congress. The ATS requires you to
14 dissent -- to discern the intent of the whole world, and the
15 whole world is not as of one on this. It is not international
16 law, is not what we would wish it to be. It is what it is
17 today, given all the nations of the world.

18 Thank you.

19 THE COURT: Thank you.

20 Counsel for the defense, I have two questions and
21 either one of you can decide who will want to answer them.

22 One is just with respect to the ATA claims in these
23 cases. Appreciating that the briefs are written before my
24 decision came out in Linde, is there any argument that the
25 defendant is making as to the ATA claims that wasn't addressed

1 in my opinion in Linde? I appreciate that you don't agree
2 with my opinion. But I am just trying to make sure I didn't
3 miss something that was different.

4 MR. LEWIS: Your Honor, we have submitted a number
5 of supplemental materials, Judge Glasser's decision in Stutt
6 as well as the Supreme Court's --

7 THE COURT: I read those in denying your motion to
8 take an immediate appeal. I don't find that they say anything
9 that would cause me to change my mind.

10 MR. LEWIS: And the Supreme Court's decision in
11 Anza, the --

12 THE COURT: It is the same.

13 MR. LEWIS: Which deals with proximate causation
14 under the same statutory language as Rico --

15 THE COURT: I've already dealt with that.

16 All right. Thank you.

17 One other question that I had goes back to a
18 question that I put to Mr. Walsh regarding the federal
19 common-law. That goes to questions of Statute of Limitations.
20 There is a great deal of discussion about the Statute of
21 Limitations and the reliance on the defendant's part on
22 New York law. Plaintiffs have made other kinds of arguments.

23 It seems to me that the issue is one of federal
24 common-law, as I believe you acknowledged now with respect to
25 other areas, and as I understand the Supreme Court law, you